

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MCKEBIA DARRESE BRAY,

Petitioner,

v.

WILLIAM TERRY, Warden,

Respondent.

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CASE NO.: 1:10-CV-98

ORDER

Before the Court are two Reports and Recommendations dated April 24, 2012 and September 6, 2012, respectively, from United States Magistrate Judge Thomas Q. Langstaff. (Docs. 22, 24.) In the first recommendation dated April 24, 2012, Judge Langstaff recommended denying Respondent's "Motion to Sever and Dismiss as Moot the Grounds Challenging the Probation Revocation" as unnecessary because the Court can properly address any grounds for relief when the briefing on Petitioner's petition is complete. (Doc. 22.) No objections were filed in response to this Recommendation within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on May 8, 2012. (*See* Doc. 22 at 3; Docket).

On September 6, 2012, Judge Langstaff submitted another Report and Recommendation wherein Judge Langstaff did indeed consider the potentially moot grounds as well as the other grounds for relief set forth in Petitioner's Petition for Writ of Habeas Corpus. (Doc. 24.) Following his review, Judge Langstaff found the grounds

challenged by Petitioner to be insufficient to support a grant of federal habeas relief. (*See generally id.*) Thus, Judge Langstaff recommended that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied. (*Id.* at 11.) Upon a finding that Petitioner made no substantial showing of the denial of a constitutional right, *see* 28 U.S.C. § 2253(c)(2), Judge Langstaff also recommended that the Court deny Petitioner a certificate of appealability. (*Id.*) No objections were filed in response to this Recommendation within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on September 20, 2012. (*See* Doc. 24 at 11; Docket).

Upon full review and consideration upon the record, the Court finds that Judge Langstaff's Reports and Recommendations (Docs. 22, 24) should be, and hereby are, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. The Court further **DENIES** Petitioner a certificate of appealability, as Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

SO ORDERED, this 18th day of April, 2013.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT